

## United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Frederick J. Kapala	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 50023	DATE	June 18, 2008
CASE TITLE	Earlie Span v. Nurse Chadeck		

## DOCKET ENTRY TEXT:

Plaintiff is given an additional 21 days to submit an amended complaint in accordance with the Court's February 22, 2008 order. Plaintiff, who has been released from prison, is also given 21 days to submit a new *in forma pauperis* application demonstrating his current financial status and ability to pay. Failure to comply with this order and the February 22, 2008 order will result in dismissal of this case. The clerk shall forward to plaintiff at the address provided by him [5]: an amended complaint form, an *in forma pauperis* application, and a copy of the February 22, 2008 order, along with a copy of this order.



■ [For further details see text below.]

Docketing to mail notices.

## STATEMENT

Plaintiff Earlie Span, released from Dixon Correctional Center, has not responded to the Court's February 22, 2008 order directing him to submit an amended complaint. Plaintiff's notice of change of address indicates that he is no longer incarcerated. It is unclear whether plaintiff received the February 22, 2008 order and, thus, the Court extends the time for compliance with that order and directs the clerk to resend the order to plaintiff at the address he provided to the Court. Plaintiff is given an additional 21 days from the date of this order to submit amended complaint.

Plaintiff is also given 21 days to submit a new *in forma pauperis* application. Plaintiff filed this suit while he was a prisoner and, thus, he remains responsible for the \$350 filing fee, even though he is no longer incarceration. See 28 U.S.C. § 1915(b). Because plaintiff is not incarcerated, the Court must assess his current ability to pay the filing fee. Also, plaintiff remains responsible for the initial partial filing fee of \$5.33. See *Robbins v. Switzer*, 104 F.3d 895, 898 (7th Cir.1997). Plaintiff is directed to file another *in forma pauperis* application regarding his current financial and employment status within 21 days of the date of this order. The clerk is directed to mail to Plaintiff at his current address an *in forma pauperis* application. Failure to submit another *in forma pauperis* application and pay the initial partial filing fee (or state why he cannot pay it) will result in dismissal of this case.

In order to proceed with this case, plaintiff must submit an amended complaint in accordance with the Court's February 22, 2008 order and either pay the \$350 filing fee or submit a new *in forma pauperis* application demonstrating his current financial status. Failure to comply with this order within 21 days may be construed as plaintiff's desire not to proceed with this case and will result in dismissal.

isk